

GENWAL COAL COMPANY

February 15, 1995

Mr. Darron Haddock
Permit Supervisor
Division of Oil, Gas, and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

RE: Response to January 13, 1995 Stipulations associated with LBA
#9, Genwal Coal Company, Crandall Canyon Mine, ACT/015/032

Dear Darron:

Genwal is pleased to submit this response to the Special Conditions and Stipulations outlined in your September 26, 1994 letter. Each requirement of the stipulation will be addressed separately. Where warranted, changes have been made to the text within the MRP to satisfy the requirements.

REQUIREMENT #1

"Correct two typographical errors....." Page 3 - The two typographical errors on page 3-18 of the MRP have been corrected (Gashawk and the Sharp-skinned Hawk)

REQUIREMENT #2

Page 3 - Genwal must commit to conducting spring and fall macroinvertebrate studies every three years. Genwal has revised the MRP and has committed to conducting spring and fall macroinvertebrate studies in Crandall Canyon in 1997 and again in the year 2000.

REQUIREMENT #3

Page 5 - "On page 3-7 Genwal has included a list of "5 bird species" which are known or suspected threatened..... this list includes Townsends Big-Eared Bats. Bats are not birds" (Well they are when a geologist tries to modify the text). The reference on page 3-7 has been changed to correctly identify the Townsends Big-Eared Bat as a mammal.

REQUIREMENT #4

"The peregrine falcon is an endangered species.....Yet it is not included on the list....." The list has been modified to

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include the peregrine falcon on the threatened , endangered,
and sensitive list.

STIPULATION #5

"The plan has a list of four species....then it lists three more species....Why not list all seven together?" The MRP has been modified to list all seven species together on page 3-7.

REQUIREMENT #6

"It is suggested that Genwal...,

1 - Include the list of migratory birds of high federal interest,

2 - Summarize the narrative information in Appendix 3-3.....by presenting a list of birds from this group that may be in the permit area,

3 - Combine FS and Fish and Wildlife Service species that may occur in the permit area.

The migratory bird list of high federal interest has been added to Appendix 3-2 and only those 7 birds which may migrate through the permit area have been left in the text. According to the Forest Service, the Forest Service and USFWS disagree on the bird species which may occur in the permit area. Thus, until both agencies agree, both lists will remain within the MRP.

REQUIREMENT #7

".....Discussion of two golden eagle nests.....leads one to believe that there are no other raptor nests in Crandall Canyon.....It should be modified." The text on page 3-7 has been modified to lend a more concise description of what the raptor studies have produced.

REQUIREMENT #8

"It appears that the mining and reclamation plan text does not reference Appendix 3-2 for this information" Appendix 3-2 is referenced on page 3-5 as an aquatic resource reference. Genwal is still waiting for the final report of the 1994 aquatic surveys. When these data are received this portion of the test will be modified.

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REQUIREMENT #9

"Coopers Hawk needs to be added to the list...; Forest Service stipulated macroinvertebrate studies every three years; Rewrite the entire section dealing with inaccuracies and inconsistencies associated with T&E Species, etc; Information about Golden Eagle nests should be updated; and the MRP should reference the 1980 macroinvertebrate study."

Coopers hawk has been added to the list. Genwal has agreed to conduct additional aquatic studies in 1997 and the year 2000. Genwal is in the process of collecting additional data associated with the T&E species and working with the Forest Service and USFWS to clarify the differences. (Please note that with LBA#9 Genwal is not creating additional surface disturbances. Also, Genwal has been conducting raptor surveys in the mine permit area. Genwal agrees that portions of Chapter 3 could benefit by being updated. Genwal Commits to updating the portion of Chapter 3 (Threatened, Endangered, Proposed, or Sensitive Species and the results of the 1994 Macroinvertebrate Study by July 1, 1995).

REQUIREMENT #9

Genwal must consider the Archaeological sites as confidential. Genwal specifically requests that the Division consider Appendix 4-1A as confidential and that Genwal gives its permission to DOGM to hold that portion of the MRP separate from the remainder of the MRP.

REQUIREMENT #10

The operator must remove th statement on page 3-10 "(Taken in its entirety form 5/22/92 submittal)" as this is not a true statement. Genwal has removed the reference in page 3-10. However, please note that while I (Randy Gainer) did not prepare the above referenced document, I did copy verbatim that portion of the text which was pertinent to the comment and stated "Taken in its entirety". Thus, the DOGM reviewer and Genwal may be referencing different sections or have a distinctly different understanding of what the comment was referencing. But, Genwal and I strongly objected that Genwal had intent to provide less than what is true and accurate, irrespective of what the Division reviewer considers to be true or not true statements.

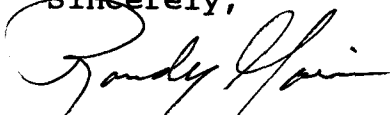
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REQUIREMENT #11

Genwal must incorporate the acid and toxic findings in the upcoming 1994 annual report. Genwal has sampled for acid and toxic forming materials and will provide the data and interpretation in the upcoming annual report.

We appreciate this opportunity to respond to the special conditions associated with the permitting of LBA #9. Should you have additional questions, please contact me at (801) 687-9813.

Sincerely,

A handwritten signature in cursive script, appearing to read "Randy Gainer".

Randolph B. Gainer, P.G.
Environmental Manager
Genwal Resources, Inc.